

REMARK

Applicant respectfully requests reconsideration of this application as amended. Claims 1, 5-6, 9-12, 15-17, 28, 29 and 35 have been amended. Claims 4, 7-8, 21-27, 30-34 have been cancelled without prejudice, and three new claims (36-38) have been added. Therefore, claims 1-3, 5-6, 9-20, 28-29 and 35-38 are presented for examination.

35 U.S.C. §112 rejection,

second paragraph

In the Patent case, the Examiner rejected claims 24-26 and 34 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Applicant submits herein proposed amendments, which are thought to overcome the reasons for rejection. Accordingly, the Applicant respectfully requests that the rejection be withdrawn.

35 U.S.C. §102 Rejection

In the Patent case, the Examiner relied upon U.S. Patent No. 5,499,238 of Shon and U.S. Patent No. 5,381,413 Tobagi et al. (hereinafter "Tobagi"). The Applicant respectfully submits the claims, as amended, are thought to overcome the reasons for rejection. The independent claims 1, 12, 17, 28, 29 and 35 have been amended to include a limitation thought to distinguish the present invention from the references relied on by the Examiner. Accordingly, the Applicant respectfully requests that this rejection be withdrawn. The Applicant respectfully submits the following arguments pointing out

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35 U.S.C. §103 Rejection,

In the parent case, the Examiner rejected claims 3, 14 and 19 under 35 U.S.C. §103(a) as being unpatentable over US Patent No. 5,499,238 of Shon, in view of US Patent No. 5,381,413 of Tobagi. The Applicant respectfully disagrees with the Examiner's characterization of this combination of references. The Applicant respectfully submits the claims, as amended, are thought to overcome the reasons for rejection. Claims 3, 14 and 19 are dependent claims including the limitations of the, amended, independent claims as discussed above. Claim 3 depends on claim 2, which depends on independent claim 1. Claim 14 depends on claim 13, which depends on independent claim 12. Claim 19 depends on claim 18, which depends on independent claim 17.

Docket No.: 002717.P007C
Express Mail No.: EL591668144US

2025 年 1 月 2 日

Conclusion

For the reasons cited above, claims 1-3, 5-6, 9-20, 28-29 and 35-38 are thought to be in condition for allowance. If the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is respectfully requested to contact Michael DeSanctis at (303) 740-1980.

Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date:

6/20/2000

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